

March 13, 2008

California Department of Water Resources  
PO Box 942836  
Sacramento, California 94236-0001

Attn: Cynthia Pierson

Subject: State Water Project (SWP) Delivery Reliability Project

The Draft SWP Delivery Reliability Report 2007 (Report) updates the Department of Water Resources (DWR) estimate of current (2007) and future (2027) SWP delivery reliability and expands the conditions under which reliability is quantified. The report is produced every two years. 2027 potential deliveries are based on the assumption that no changes will be made in either the way water is conveyed across the Delta or in the interim operating rules to protect Delta smelt. It shows a continued eroding of SWP water delivery reliability under the current method of moving water through the Delta.

The staff of the Delta Protection Commission (Commission) has reviewed the subject document dated January 2008. From the information provided, staff has determined that the proposed project is located within the Primary Zone of the Legal Delta and a apportion of the Secondary Zone , and is therefore subject to consistency with the Land Use and Resource Management Plan for the Primary Zone (Management Plan) and appeal to the commission.

The Delta Protection Act (Act) was enacted in 1992 in recognition of the increasing threats to the resources of the Primary Zone of the Delta from urban and suburban encroachment having the potential to impact agriculture, wildlife habitat, and recreation uses. Pursuant to the Act, a Management Plan was completed and adopted by the Commission in 1995.

The Management Plan sets out findings, policies, and recommendations resulting from background studies in the areas of environment, utilities and infrastructure, land use, agriculture, water, recreation and access, levees, and marine patrol/boater education/safety programs.

The policy from the Management Plan that is relevant to this project includes, but is not limited to the following:

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- Policy 3: “Water agencies at local, State, and federal levels shall work together to ensure that adequate Delta water quality standards are set and met and that beneficial uses of State waters are protected consistent with the CALFED (see Water code Section 12310(f) Record of Decision dated August 8, 2000.”

The Recommendations in the Management Plan which are intended to help achieve the Policies , which are relevant to this project are as follows:

- .”Recommendation 1: “The Delta waterways should continue to serve as a primary transportation system moving water to the State’s natural and developed water systems.”
- Recommendation 2:”Delta water rights should be respected and protected.”
- Recommendation 3: “ Programs to enhance the natural values of the State’s aquatic habitats and water quality will benefit the Delta and should be supported.”

A copy of the Management Plan and the Act are available at the Commission’s web site [www.delta.ca.gov](http://www.delta.ca.gov) for your reference. Please contact me at (916) 776-2292 or [lindadpc@citlink.net](mailto:lindadpc@citlink.net) if you have any questions regarding the Commission or the comments provided herein.

Sincerely,

Linda Fiack  
Executive Director

Cc: Kathy Kelly,  
Chief, Bay-Delta Office, DWR